



Practitioner's Docket No. **CCF-6448NP**

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jose L. Navia et al.

Serial No.: 10/786,788

Group No.: 3762

Filed: February 25, 2004

Examiner: Patricia Bianco

For: **APPARATUS AND METHOD FOR AUTO-RETROPERFUSION
OF A CORONARY VEIN**



*Patent No.:

Issue Date:

**NOTE: Preferably also insert inventor's name and invention title.*

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**TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION (37 C.F.R. 1.321(c))**

Identification of Person(s) Making This Disclaimer

I, **Richard S. Wesorick**

(type or print names of all inventors or assigns or name of attorney signing disclaimer)

(a) represent that I am



an inventor of this invention.



an assignee of this invention.

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WARNING: *"If the patent or patent application is assigned to an organization, such as a corporation, partnership, university, [g]overnment agency or similar entity, and the disclaimer is signed by the assignee, the assignee must comply with § 3.73(b)." Notice of Oct. 15, 1993, 1156 O.G. 54-61 at 56.*

(Terminal Disclaimer to Obviate a Double Patenting Rejection--(Provisional Obviousness-Type Double Patenting Rejection Over a Pending Application) [9-4]-- Page 1 of 5)
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- ☐ a representative authorized to sign on behalf of the assignee identified below.
- ☐ a statement under 37 C.F.R. 3.73(b) is attached.

WARNING: See the above "WARNING".

- ☒ the attorney of record for this invention.

NOTE: The rules "permit an attorney or agent of record to sign a terminal disclaimer without the need to comply with § 3.73(b)." Notice of Oct. 15, 1993, 1156 O.G. 54-61, at 56. See also § 1490, M.P.E.P., 7th Edition.

IDENTITY OF ASSIGNEE AND TITLE OF DISCLAIMER

(if applicable)

The assignee is

Name of assignee The Cleveland Clinic Foundation

Address of assignee 9500 Euclid Avenue

Cleveland, OH 44195

Title of disclaimant authorized to sign on behalf of assignee

EXTENT OF DISCLAIMER'S INTEREST

The extent of the interest in this invention that the disclaimant owns is in:

- ☒ the whole of this invention.
- ☐ a sectional interest in this invention, as follows:

NOTE: Disclaimers from the whole interest must be filed

(state the exact interest of the disclaimant)

The disclaimant(s) is/are:

- ☐ the applicant(s)
- ☒ the assignee(s)

RECORDAL OF ASSIGNMENT IN PTO

(if applicable)

- ☒ The assignment was recorded on July 30, 2004
Reel 015631
Frame 0843
- ☐ Authorization for recordal of the assignment is separately attached.
- ☐ A separate ☐ "ASSIGNMENT (DOCUMENT) COVER SHEET" or
☐ FORM PTO 1595 is also attached.

ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION

(if applicable)

- ☐ Attached is a STATEMENT UNDER 37 C.F.R. 3.73(b) establishing the right of the assignee to take action in this case.

NOTE: Insert the appropriate page 3.

DISCLAIMER
(Provisional Obviousness-Type Double Patenting Rejection Over A
Pending Application)

Petitioner(s) hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of any patent granted on Application No. 10/938,048, filed on September 10, 2004, as shortened by any terminal disclaimer. Petitioner(s) hereby agree(s) that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the above-listed application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of any patent granted on the application forming the basis of the double patenting rejection, namely, any patent granted on Application No.: 10/938,048, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

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- ☐ Other than a small entity—fee \$130.00
- ☒ Small entity—fee \$65.00.
- ☐ Small entity statement is attached.
- ☒ Small entity was made by paying the basic filing fee as a small entity.
- ☐ Small entity statement was already filed
- ☐ in patent application _____
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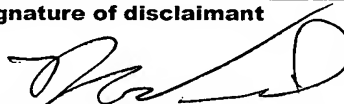
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SIGNATURE OF PRACTITIONER OF RECORD

Richard S. Wesorick
(type or print name of attorney)

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